

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Derrick D Lester**
Docket No. **267216**
L.C. No. **98-004647**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the December 1998 judgment of sentence as required by MCR 7.205(F)(3). Neither exception to the 12-month limitation has been satisfied in this case. In particular, the second condition of the second exception was not satisfied as counsel was not requested within 12 months of the judgment of sentence. See MCR 7.205(F)(4)(b). The record does not support appellant's assertion that he did not request counsel "because I believed that I was not entitled." Defendant was never told that counsel would not be appointed for him, and this sentencing occurred prior to the enactment of the statute that limited appointment of appellate counsel.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 12 2006

Date

Sandra Schultz Mengel
Chief Clerk